

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
July 27, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, July 27, 2021 via hybrid meeting. Mayor Pro Tem Darvin Harrell called the meeting to order at 7:10 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell - *excused*

Trustees Present: Darvin Harrell
Whitney Oakley - *excused*
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Assistant Communications Director*
Steve Hebert, *Planning and Economic Development Manager*
Dan Giroux, *Town Engineer*
Adam Meis, *Finance and Technology Coordinator*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Jim Delaney, Rick Stroh

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Darvin Harrell.

3. APPROVAL OF AGENDA

TRUSTEE VITNUM MOVED, TRUSTEE SMITH SECONDED to approve the agenda as amended by adding the Bennett Municipal Court department progress update to staff reports. The voting was as follows:

YES: Smith, Sus, Vitnum, Harrell

NO: None

EXCUSED: Pindell, Oakley

Mayor Pro Tem Darvin Harrell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE VITNUM MOVED, TRUSTEE SMITH SECONDED to approve the consent agenda as presented.

YES: Sus, Vitnum, Harrell, Smith

NO: None

EXCUSED: Pindell, Oakley

Mayor Pro Tem Darvin Harrell declared the motion carried by unanimous vote.

A. Action: Approval of July 13, 2021 Regular Meeting Minutes

B. Action: Resolution No. 877-21 – A Resolution Approving an Intergovernmental Agreement regarding 2021 Grant of Arapahoe County Open Space Program Funds for the Kiowa Bennett Road Trail Extension

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion

1. Planning and Zoning Commission Applicant

Christina Hart, Town Clerk, reported to the Trustees, Per the Bennett Municipal Code Article XIII Section 2-13-10, the Planning Commission shall consist of seven members who shall be appointed by the Board of Trustees. In 2020, the Planning Commission had two commissioners resign. The two seats have remained vacant with five current commission members. In the event of a vacancy on the Planning Commission, the Board of Trustees shall appoint replacement(s) for the balance of the unexpired term of the vacant position, which is January 2022.

Notice of the vacancies along with the application have been posted to the Town website as well as published in the local newspaper.

James Delaney submitted an application for consideration for the Planning Commission. Mr. Delaney is a resident of the Town of Bennett and is a licensed Civil Engineer with 40+ years of experience in engineering and construction fields. He is interested in serving his community and gaining knowledge of the process of the municipal government.

Jim Delaney introduced himself to the Board of Trustees. Mr. Delaney read about the vacancy in the local paper and submitted his application. He has a technical background with civil engineering. He lives in the Antelope Hills subdivision. Mr. Delaney would like to learn the process of municipal government and give back to his community.

TRUSTEE VITTUM MOVED, TRUSTEE SMITH SECONDED to appoint James Delaney to the Town of Bennett Planning and Zoning Commission with a term ending January 2022. The voting was as follows:

YES: Vittum, Harrell, Smith Sus

NO: None

EXCUSED: Pindell, Oakley

Mayor Pro Tem Darvin Harrell declared the motion passed unanimously.

2. First Amendment to the Piland Purchase and Sale Agreement for Groundwater Rights

Trish Stiles, Town Administrator, reported to the Trustees on December 10, 2019, the Town of Bennett entered into a Purchase and Sale Agreement for Groundwater Rights (Agreement) with Lowell and Sara Piland (Sellers) for the groundwater underlying their property that is part of the Laramie-Fox Hills aquifer. The groundwater rights make up an estimated withdrawal and use of 765-acre feet per year of water.

Provision five (5) of the Agreement states that, "the Closing Date will be determined by mutual agreement of the Buyer and Sellers but shall occur no later than sixty (60) days after issuance of a final determination by the Ground Water Commission."

On June 2, 2021, the Town received the final determination from the Ground Water Commission. Per the Agreement, the purchase closing must be completed by July 30, 2021. The First Amendment to the Agreement seeks to extend that closing date based on a request from the Sellers.

The First Amendment to the Agreement would allow for an extension for closing until August 31, 2021.

The request for an extension comes from the Sellers who need more time to assess their tax liability associated with the payment from the Town that will occur at closing.

All other provisions in the Agreement will remain the same.

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to approve the First Amendment to the Purchase and Sale Agreement for Groundwater Rights with Lowell and Sara Piland, extending the closing date to August 31, 2021. The voting was as follows:

YES: Harrell, Pindell, Smith, Sus

NO: None

EXCUSED: Pindell, Oakley

Mayor Pro Tem Darvin Harrell declared the motion passed unanimously.

3. Kuhn Construction North Municipal Complex (NomCom) Site Preparation and Grading

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees, on April 13, 2021, the Board of Trustees approved a contract to LeFever Building Systems (LBS) in the amount of \$2,820,154 for the construction of the North Municipal Complex (NOMCOM). Included in the LBS contract was the building site preparation and grading scope of work. This scope of work was awarded by LBS to Kuhn Construction.

In addition, Kuhn Construction has been working on the Kennedy Road expansion project, also on the NOMCOM campus, and is nearing completion. After discussing scheduling and timing with LBS and in the spirit of being timely and efficient, Staff would like to remove the site preparation and grading scope of work from the LBS contract and instead, contract that scope of work directly with Kuhn Construction to save both time and money.

By awarding the scope of work contract to Kuhn Construction, the Town can ensure the company's continued work on the NOMCOM campus while also realizing cost savings and early progress, which are very beneficial to overall project delivery.

LBS is supportive of the Town contracting directly with Kuhn Construction for site preparation and grading.

The pricing Staff received from Kuhn Construction for site preparation and grading was \$157,062, dated February 23, 2021. Staff has confirmed that the company will honor that pricing. LBS will remove these items from their overall contract scope of work and provide a deductive credit back to the Town.

TRUSTEE SUS MOVED, TRUSTEE SMITH SECONDED to waive the Request for Proposal requirements and authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement with Kuhn Construction, Inc. in an amount not to exceed \$157,062 for the site preparation and grading scope of the work at the North Municipal Complex. The voting was as follows:

YES:	Smith, Sus, Vittum, Harrell
NO:	None
EXCUSED:	Pindell, Oakley

Mayor Pro Tem Darvin Harrell declared the motion passed unanimously.

6. TOWN STAFF REPORTS

Alison Belcher, Assistant Communications Director, reported on the following:

- The Town of Bennett has implemented the CodeRED system. An emergency notification service that communicates with residents and personnel by sending telephone call, text message, emails, posts to social media and mobile app messages to inform residents of emergencies and better protect life and property. The link for CodeRED can be found on the Town of Bennett website or online at <https://public.codredweb.com/CNE/BF6BAD030793>.

Christina Hart, Bennett Municipal Court Clerk, reported on the following:

- Q2 citations comparisons for the years 2019 – 2021
- Court staff has been training on the Caselle Court Management software during the month of July 2021

7. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- Commended Town staff and the Mayor for a very successful State of the Town 2021
- Staff continues to work on the Bennett Days Board meal
- Staff is getting a jump start on the Holiday Help program
- RFP for master transportation plan is out for bid
- Attended the Riverdale Park debut meeting in Adams County
- Staff is working on the missing speed limit sign near the SkyView Subdivision
- CDOT is repairing the Exit 304 off-ramp
- The Bennett Community Center has re-opened for events

8. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following;

- Attended DRCOG on July 21, 2021.

9. ADJOURNMENT

TRUSTEE SUS MOVED, TRUSTEE SMITH SECONDED to adjourn the meeting. The meeting was adjourned at 8:00 p.m. Voting was as follows:

YES: Sus, Vittum, Harrell, Smith

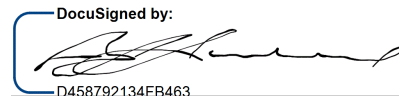
NO: None

EXCUSED: Pindell, Oakley

The Mayor declared the motion carried by unanimous vote.

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Christina Hart, Town Clerk

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Royce D. Pindell, Mayor